98-055-PA-DIV2:JBM:141993

Atty. Dkt. 4002-2533

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re patent application of: ) Examiner Branch et al. Serial No. 09/870,023 ) Group Art Unit 3731 Filed 5/30/01 ) September 14, 2001 INTERBODY FUSION GRAFTS AND INSTRUMENTATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 14, 2001.

> James B. Myers, Jr. Name of Registered Representati

## SUBMISSION OF MISSING PARTS OF APPLICATION **UNDER 37 CFR 1.53(b)**

Hon. Commissioner for Patents **BOX MISSING PARTS** Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts dated June 14, 2001, please consider the following. Additionally, please provide a 1 month Extension of Time which may be necessary and charge any fees which may be due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of any issue fees that are or become due.

Pursuant to the Notice to File Missing Parts of Application received for the above application, Applicants submit herewith a Declaration and Power of Attorney signed by all inventors. Enclosed is a check for \$130.00 to cover the fee under 37 C.F.R. §1.16(e) for filing a declaration later than the filing date.

09/19/2001 MBERHE 00000093 09870023

01 FC:105

130.00 GP

Respectfully sybmitted,

James B. Myers Jr., Reg. No. 4

Woodard/Emhardt, Naughton Moriarty & McNett

Bank One Center/Tower

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(317) 634-3456 Fax No. (317) 637-7561

Branch et al. USSN 09/870,023 RESPONSE TO MISSING PARTS DNK-1998-055-PA-DIV2:JBM:141993



WENMM/SE 17 (10-00)
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REE TRANSMITTAL					Complete if Known							
TPETE INANSIVILLIAL A									0,023	1/2		
- 1 On 1 2001 -					ling Date			May 3	May 30, 2001			
P 1 7 2001 Patent fees are subject to annual revision.					rst Named Inventor			Brand	Branch et al.			
Great August 100 and Subject to annual revision.					roup Art Unit			3731	3731			
					aminer Name				Unknown			
A 1181					torney Docket Number			4002-	4002-2533			
METHOD OF PAYMENT						FEE CALCULATION (continued)					100	
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:						3. ADDITIONAL FEES					e	
Deposit Account Number	23-3030				Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Des	scription	Fee Paid	
Deposit Woodard, Emhardt, Naughton, Moriarty &					105	130	205	(a) 65	Surcharge - late filing	fee or oath	\$130.00	
Account Name	McNett				127	50	227	25	Surcharge - late provis sheet.			
Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17					139	130	139	130	Non-English specification			
					147	2,520	147	2,520	For filing a request for	or filing a request for ex parte reexamination		
Applicant claims small entity status.  See 37 CFR 1.27.					112	920*	112	920*		Requesting publication of SIR prior to Examiner		
					113	1,840*	113	1,840*		Requesting publication of SIR after Examiner		
2. Payment Enclosed:					115	110	215	55	Extension for reply with	\$110.00		
Check Credit Card Money Order Other					116	390	216	195	Extension for reply with	dension for reply within second month		
FEE CALCULATION					117	890	217	445	Extension for reply with	tension for reply within third month		
1. BASIC FILII	NG FEE				118	1,390	218	695	Extension for reply with	hin fourth month		
Large Entity	Small	Entity	Fee n		128	1,890	228	945	Extension for reply with	hin fifth month		
Fee Fee (\$	Fee Code	Fee (\$)	Description Fee P	aid	119	310	219	155	Notice of Appeal			
101 710	201	355	Utility Filing Fee		120	310	220	155	Filing a brief in support	t of an appeal		
106 320	206		Design Filing Fee		121	270	221	135	Request for oral hearing	-		
107 490	207		Plant Filing Fee		138	1,510	138	1,510	Petition to institute a pr	ublic use proceeding		
108 710	208	355	Reissue Filing Fee		140	110	240	55	Petition to revive – una	voidable		
114 150	214		Provisional Filing Fee		141	1,240	241	620	Petition to revive - unit	ntentional		
			SUBTOTAL (1) (\$)		142	1,240	242	620	Utility issue fee (or reis	ssue)		
2. EXTRA CLAIM FEES					143	440	243	220	Design issue fee			
		Extra Claims	Fee From Below Fee F	Paid	144	600	244	300	Plant issue fee			
Total Claims	-20** =		x =		122	130	122	130	Petitions to the Commi	ssioner		
Independent	-3** =		x =		123	50	123	50	Petitions related to pro	visional applications		
Claims Multiple Depende	ent '		=		126	180	126	180	Submission of Informat	tion Disclosure Stmt		
				$\dashv$	581	40	581	40	Recording each patent	assignment per		
Large Entity	Small En	tity Fee De	escription						property (times numbe Filing a submission after			
Fee Fee Code (\$)	Fee Fee Code (\$)	e <sup>*</sup>			146	710	246	355	CFR 1.129(a))	or mai rojection (or		
103 18	203 9	Claim	ns in excess of 20		149	710	249	355	For each additional inv (37 CFR 1.129(b))	ention to be examined		
102 80	202 40	) Indep	endent claims in excess of	з	179	710	279	355	Request for Continued	Examination (RCE)	1	
104 270 .	204 13	35 Multip	ole dependent claim, if not p	paid	169	900	169	900	Request for expedited design application	examination of a		
109 80	209 40		ssue independent claims ov	/er								
110 18	210 9	original patent 210 9 **Reissue claims in excess of 20 and o <u>ver original patent</u>				Return Postcard Other Fee (specify)						
SUBTOTAL (2) (\$) **or number previously paid, if greater; For Reissues, see above						* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 240.00						
Name (Print/Type)  James By Myers, Jr.			Myers, Jr.		1	Registration (Attorney/		42,021	2,021 Telephone (317) 634-345		-	
Signature		Cames B Mnews		441	///	,	<u> </u>		Date September 14,		2001	
Warning: Information on this form pay become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.												
		/	be included on this form.	Provide	credit c	ard informat	ion and a	uthorization o	on PTO-2038.			